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July 14, 2014

VIA CERTIFIED MAIL

Mr. Jeff S. Jordan
Assistant General Counsel
Federal Election Commission
Attn: Kim Collins, Paralegal
999 E Street, N.W.
Washington, DC 20463

CELA

2014 JUL 14 AM 11:06

RECEIVED
FEDERAL ELECTION
COMMISSION

Re: MUR 6825—Response of Tom MacArthur for Congress, Inc. (Ron Gravano, Treasurer)

Dear Mr. Jordan:

In a fruitless effort to rescue her favored candidate from an election loss, a supporter of Tom MacArthur's primary-election opponent filed a frivolous complaint against Tom MacArthur for Congress, Inc. (the "Committee"). The complaint contends that a mass mailing distributed by the Committee lacked sufficient information to identify its sponsor.¹ This claim is without merit.

Commission disclaimer rules are designed to "insure that the voters are fully informed" about who is speaking" in a particular public communication.² The Committee's mail piece provided more than enough information to accomplish this purpose. The Committee included in the mailer its logo, its official website address, its Facebook and Twitter accounts, its return mailing address, multiple pictures of Mr. MacArthur, and a message signed by Mr. MacArthur as "Tom." This information was adequate for the public, including the complainant, to easily identify the Committee as the mailer's sponsor.

Any technical deficiency in the mailer from a disclaimer perspective is immaterial. The Commission has repeatedly allowed ad sponsors to present identifying information through alternative formats, so long as voters can discern a sponsor's identity.³ And the Commission has

¹ Matter Under Review 6825, Complaint at 1.

² Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 315 (2010) (quoting Buckley v. Valeo, 424 U.S. 1, 76 (1976)).

³ See, e.g., Fed. Election Comm'n Adv. Op. 2004-10 (recognizing that a sponsor can identify itself sufficiently, even if it does not "provide a full disclosure statement in the prescribed manner"), Fed. Election Comm'n Adv. Op. 2004-01 (allowing one candidate to speak the "stand by your ad" disclaimer where ad featured two candidates), Fed. Election Comm'n Adv. Op. 1994-13 (allowing multi-candidate video slate advertisement to feature language outside specified disclaimer rule).

an established "practice"⁴ of declining to pursue disclaimer-rule complaints where, as here, the alleged violation is minor.⁵ Such an approach would be especially fitting in this instance, given that the Committee did not intentionally omit any information and that the Committee will endeavor to include all identifying statements in its future communications.

Because the Committee's mail piece contained information that allowed the public to readily identify it as the communication's sponsor, the Commission should find no reason to believe that a violation occurred and should dismiss this Matter.

Respectfully Submitted,



Matthew T. Sanderson
Caplin & Drysdale, Chartered

⁴ Matter Under Review 6502 (Neb. Democratic Party), Statement of Reasons of Vice Chair Weintraub and Commissioners Bauerly and Walther at 1 n. 4.

⁵ See, e.g., Matter Under Review 5712 (Schwarzenegger), Matter Under Review 6207 (DeSaulnier), Matter Under Review 6126 (RSCC), Matter Under Review 6377 (Harry Reid Votes, *et al.*), Matter Under Review 6415 (Kristi for Congress, *et al.*), Matter Under Review 6615 (Save 9, *et al.*), Matter Under Review 6633 (Republican Majority Campaign PAC).